

REMARKS

The present amendment is submitted in conjunction with a Request for Continued Examination (RCE) and in response to the final Office Action dated May 16, 2008, which set a three-month period for response, making this amendment due by August 16, 2008.

Claims 1-12 are pending in this application.

In the final Office Action, claims 1, 2, 4-8, 10 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05030701 to Hirakawa in view of U.S. Patent No. 5,959,381 to Fischer et al. Claims 3, 9, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hirakawa and Fischer et al in view of J P 200-308305 to Tsukamoto et al.

In the present amendment, claim 1 has been amended to more clearly define the present invention over the cited references. Claim 1 now defines that *an inner diameter of the inner ring (40) forms a clearance fit with an outer diameter of the rotor shaft, thereby simplifying axial installation and axial backlash compensation of the spring element, and wherein the rotor component and not the rotor shaft is configured to perform radial guidance of the spring element.* Amended claim 1 also defines that *for assembling the electrical machine (10), the axial spring element (32) is fixed in position at least axially on the pre-installed rotor (13), such that the rotor (13) is insertable overhead via a blind assembly into the roller bearing 22, which was previously installed in housing part 16.* Support for the new features of claim 1 can be found in the

specification on page 2, third full paragraph, and in the paragraph bridging pages 4-5.

In addition, claim 6 was amended to that the radial, circumferential outer wall includes a cylindrical outer surface (i.e., the beading 40 or crimping 50), as disclosed on page 4, line 18-20.

The Applicants respectfully submit that the cited references do not render obvious the subject matter of the amended claims.

In Hirakawa, the spiral wire spring 10 forms an axial end, which engages in a recess 9 of the rotor in order to form a rotary protection. If this type of spring element of Hirakawa were combined with the embodiment of the spring in Fischer – that is with a closed outer ring – no such rotary protection could be realized, which permits a common rotation of the spring with the rotor. Thus, the combination of these two references constitutes impermissible hindsight with knowledge of the present invention.

Likewise, claims 6 and 7 are not rendered obvious by the combination of Fischer and Hirakawa. Even if Hirakawa arguably shows a rotary protection between the spring element and the rotor, still no press connection is shown in which the outer ring 42 of the spring element is pressed into a cylindrical recess. Hirakawa merely shows an axial wire end, which is inserted with play into the receiver 9 of the rotor (see Fig. 4). Likewise, a “detent connection 70”, a “rear section 66” or “bayonet connection” or material deformation is not disclosed or suggested by any of the cited references. Thus, claims 6 and 7 are not anticipated by or made obvious by the cited references.

In addition, the Examiner maintains that claim 12 is obvious over the combination of Fischer and Hirakawa. However, the practitioner is not provided with any suggestion of the feature “interconnected in an axially resilient manner” in order to connect the spring element with the rotor. Also the combination of three references, Hirakawa, Fischer and Tsukamoto (JP 200-308305) with regard to claims 3, 9 and 11 shows that the present invention is indeed patentable, since the combination of the cited references is purely arbitrary, as these references contradict one another.

Tsukamoto discloses a rotor which is displaceably mounted via a floating bearing in a housing. The spring element 15 sits fixedly on the armature shaft 11, however, and is supported axially on the rotor via the spring arm 15. Fig. 2 clearly shows that the spring element is NOT attached to the rotor, and in no sense is therefore axially fixed to the rotor, such that the rotor can be premounted with the spring element and the common unit of the rotor and spring element can be inserted above into the roller bearing. This, however, is an important manufacturing advantage.

In addition, with this type of premounting of the spring element in the rotor – and by means of guiding the spring element through the rotor-component (and not through the rotor shaft), play between the inner ring of the spring element and the rotor shaft can be achieved. Thus, friction losses during axial compensation for play and during assembly are prevented. The subject matter of amended claim 1 is therefore not rendered obvious by the methods of the cited references.

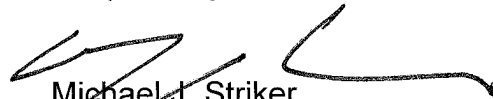
In spite of the above distinctions, as noted above, claims 1 and 6 were amended to more clearly define the noted differences.

It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. *In re Mills*, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

Please note also that the modification proposed by the Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims prima facie obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', is written over the typed name and title.

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